

UNITES STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

Case No.: S3 15 CR. 769 (AJN)

- V-

MICHAEL J. MURGIO, :

JOINDER

Defendant. :

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Defendant, Michael Murgio, by and through his counsel, Stuart N. Kaplan and Joseph G. Sconzo, joins in co-defendant Trevon Gross's Memorandum In Opposition to the Government's Motions in Limine [DE 203]. Counsel for Mr. Murgio concurs that the government seeks to introduce two categories of evidence against Michael Murgio, testimony of NCUA examiners, and five (5) out of six (6) NCUA reports which are dated in 2015. It is the Defendant's position that any such evidence should be excluded and in support thereof states: (1) any business interaction between Trevon Gross /Hope FCU and the Collectables Club ceased in December, 2014; (2) The NCUA reports are inadmissible hearsay under Rule 803(8)(A)(iii), (3) these records are not admissible under Rule 803(8)(A)(ii); and (4) the NCUA records are not admissible under the Business Records Exception pursuant to Rule 404(b). Additionally, we concur that the government seeks to offer the NCUA records as direct evidence of the charged crimes under Fed. R. Civ. P. Rule 404(b). If admissible, these records are substantially more prejudicial than probative.

For the following reasons, Defendant, Michael Murgio, respectfully requests the exclusion of all records proffered by the government in its motion in limine.

DATED: September 21, 2016.

Respectfully Submitted,

/s/ Stuart N. Kaplan
STUART N. KAPLAN, ESQUIRE (2310746)
Attorney for Michael Murgio